

**Town of Shrewsbury - Board of Selectmen**  
**Richard D. Carney Municipal Office Building-Selectmen's Meeting Room**  
**100 Maple Avenue**  
**Monday, December 20, 2004 at 7:00 PM**

**Minutes**

**Present:**

Bruce Card, Maurice DePalo, Thomas Fiore, Philip Hammond, John Lebeaux, and Daniel Morgado, Town Manager. Mr. DePalo called the meeting to order at 7:07pm.

**Preliminaries:**

1. Approve bills, payrolls and warrants #0545 in the amount of \$285,227.19, #0547 in the amount of \$1,622,270.42, #0548 in the amount of \$5,396,145.02, and #0550 in the amount of \$3,349,488.79.
2. Approve Minutes of December 6, 2004 and December 7, 2004. Motion made, seconded and unanimously voted to approve.
3. Announcements – Mr. DePalo announced that Caroling on the Common will take place on Thursday, December 23<sup>rd</sup> at 7:00pm. Also, the Town Hall will be closing at noon at Friday, December 24<sup>th</sup>. Mr. Card added the Board's thanks to Seamus Shanley, the off duty Worcester firefighter, who reported the fire on Knowlton Avenue last week. Mr. Shanley assisted the Town's firefighters in controlling the blaze and rescued the family's pets from the home. Damage was kept at a minimum due to his actions.
4. Town Manager's Report – Mr. Morgado advised that trash pick up will be on a normal schedule next week and the following week. There will be no delay in the regular schedule due to the Christmas and New Year holidays. He reminded anyone interested in the property at 52 Holden Street that bids will be opened on Wednesday, January 5, 2005. Open house was held last Sunday which generated some interest and another open house is scheduled for tomorrow at 2:00pm and 6:00pm.

**Meetings:**

5. 7:15pm – Historic District Commission, Kevin Samara. - **Canceled – 12/20/04.** Due to other commitments Mr. Samara will not be present. Meeting will be rescheduled at a later date.
6. 7:30pm – Parking Ticket Fees, Chief Sampson. Chief Sampson advised that notice had been received that the state had increased fines for parking tickets in September. In review of this action, and the increased costs of processing parking tickets by his department he is asking for the Board's approval to raise parking ticket fees for all violations with the exception of Fire Lane and Handicapped from the present \$10.00 to \$25.00. Fire Lane violations would remain at \$50.00 and Handicapped violations at \$100.00. Violating the overnight parking ban would remain at \$10.00. Residents that must park in the street due to construction or other extenuating circumstances can call the Police Dept. in advance to avoid ticketing. Motion was made, seconded and unanimously voted to approve Chief Sampson's recommendations for the increase in parking fees.

**Public Hearings:**

7. 7:05pm – Berlin Bandag, Inc., 370 Hartford Turnpike, Gary E. Speanburg, owner, Commercial Garage License. Hours of operation: Mon.-Fri. 7:00am-6:00pm & Sat. 7:00am-12:00 noon. Mr. Speanburg and Atty. Roderick St. Pierre were present. Atty. St. Pierre reviewed the application and Berlin Bandag's plans for the business. Mr. Speanburg added that landscaping is planned for the area. He added that most repairs would be done inside the building or away from the site with no outside storage of vehicles. Approximately seven people would be employed. They hope to open for business by January 1, 2005 but April is a more realistic date. Mr. DePalo said that reports from department heads were favorable and that the license would be subject to the ZBA restrictions of October 26, 2004. He also advised the applicant that ADA compliance would be necessary. Mr. Fiore stated that he is a garage license holder but his type of business would have no affect on this type of operation therefore there was no conflict of interest. Mr. DePalo opened the hearing to the public. Following one question, motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the application of Berlin Bandag, Inc., 370 Hartford Turnpike for a Commercial Garage License, hours of operation Mon.-Fri. 7:00am to 6:00pm and Sat. 7:00am to 12:00 noon. ZBA restrictions of 10/26/04 to apply. Motion was seconded and unanimously voted.

### **Old Business:**

8. Report from Chief Sampson re Kinglet Drive Stop Sign. Chief Sampson reported that one accident had occurred at this intersection and this intersection does not meet the criteria necessary for the installation of a stop sign. He suggested placement of appropriate motorist warning signs of the upcoming intersection. After a discussion the Board decided to forward the Chief's recommendations to Highway Supt John Knipe for signage suggestions. Mr. Card will work with Mr. Knipe and report back to Board.
9. Daly Dog Decision - Animal Control Officer Leona Pease was present and reviewed her recommendations for controlling the problem with the Daly dog. She also stated that no further complaints had been received since the last hearing. Mr. Depalo reviewed the testimony given at the public hearing on December 6<sup>th</sup>. After a discussion the Board found that Boomer, a Golden Retriever, owned by Denis and Mary Ellen Daly of 42 Harvard Avenue was a public nuisance by virtue of excessive barking. The Board reviewed the recommendations made for restrictions by Officer Pease and agreed with the majority with a few changes. Motion was made to issue the following order: (1) The Golden Retriever dog named Boomer is to be kept inside the home with the windows closed on the side of the house near Mr. Colonies home when no responsible adult is home. (2) The Golden Retriever named Boomer is to be monitored by a responsible adult while outside and brought inside as soon as he barks. (3) The Golden Retriever dog named Boomer is to be moved away from the property line near Mr. Colonies' home when he is tied outside. (4) Boomer is to be enrolled in an ongoing obedience class with a person or organization that have specialized training, specifically targeting the barking problem. Boomer is to be formally enrolled by January 15, 2005. The name and telephone number of the instructor and/or training facility made available to the Animal Control Officer of the Town of Shrewsbury by January 15, 2005. (5) The Dalys may prefer to make an appointment with the Behavioral Clinic at Tufts University (508-887-4640) to have Boomer assessed for separation anxiety and/or other causes for his barking. The Animal Control Officer of the Town of Shrewsbury to be informed of this choice by January 15, 2005 in order to confirm participation and follow through with treatment plan. (6) The Golden Retriever dog named Boomer should be give interactive dog toys while he is outside, as he is quite likely barking due to boredom and/or social isolation. (7) Boomer is to wear a no bark collar when outside unattended. A citronella type or one that makes a distracting tone is acceptable. Motion was seconded and unanimously voted. Mr. Depalo added that the Dalys have ten days to appeal these orders in Westborough District Court and that any further complaints will be addressed through the court and not by a hearing by the Board.
10. Plowing of Private Sub-Division Streets. Mr. Fiore reported he that Mr. Hammond had met with Planning Board Chair Mel Gordon and member Jill Myers, Highway Supt. John Knipe, Town Engineer Jack Perreault and Asst. Town Manager Michael Hale to put together a policy regarding winter maintenance operations for unaccepted subdivision roads. Mr. Fiore and Mr. Hammond reviewed the draft policy which would apply to all unaccepted roads built after January 1, 2005. Motion was made to establish a new Board of Selectmen Policy in relation to Unaccepted Subdivision Roads. Motion was seconded and unanimously voted. A discussion followed regarding treatment by the Town of private roads and unaccepted subdivision roads built prior to January 1, 2005. Mr. Fiore asked that the Board table a decision on this aspect of the matter until after he and Mr. Hammond had the opportunity to meet again with their working group. The Board agreed to Mr. Fiore's request and tabled further discussion until the January 3, 2005 meeting.

### **New Business:**

11. Shrewsbury Electric Light Department recommends two (2) 70-watt high-pressure sodium light fixtures to be installed as shown on plan entitled "Turtle Creek Circle" dated 8/1/2000. Developer to pay \$850 per light installation fee. Annual cost to the Town would be \$30.22 totaling \$60.44. Motion was made, seconded and unanimously voted to approve developer's request for installation of street lights.

### **Executive Session:**

12. Collective bargaining, value of real property and pending litigation. No executive session.

### **Communications:**

13. Noted copy mailed: ARC Alert & Issue Brief re MBTA's Draft Capital Investment Program for FY05-FY10.
14. Noted copy mailed: Memo from Mr. Morgado re Date for Special Town Meeting. Motion was made, seconded and unanimously voted to hold special Town Meeting on February 15, 2005.

15. Noted copy mailed: Memo from Mr. Morgado re Motor Vehicle Excise (MVE) Bills. Board asked for study to be done.
16. Noted copy mailed: Planning Board Dates & Deadlines for Filing for Public Hearings – 2005.
17. Noted copy mailed: Material from Exec. Office of Transportation & Construction re Public Works Economic Development (PWED) grant program, guidance and application form. Forward to Mr. Morgado.
18. Noted copy mailed: Planning Board Meeting Minutes, 4/1/04, 6/3/04, 7/1/04, 8/5/04, 9/9/04, 10/7/04, & 11/4/04.
19. Noted copy mailed; Conservation Commission Meeting Minutes, 2/17/04, 4/20/04, 5/11/04, 6/15/04, 7/20/04, 8/17/04, 9/21/04, & 10/19/04.
20. Noted copy mailed: Letter from National Grid re vegetation management treatment contractor.
21. Noted copy mailed: Letter from Shrewsbury Housing Authority re Audited Financial Statement FY end 3/31/04 (complete report on file in office).
22. Noted copy mailed: Memo from Westborough Treatment Board re Extension Articles. Proceed to place on Annual Town Meeting Warrant.
23. Noted copy mailed: Letter from Mr. Morgado to resident re repairs to Colton Lane.
24. Noted copy mailed: ZBA Hearing Minutes, 11/23/04, Joseph Najarian, 12 Plainfield Avenue.
25. Noted copy mailed: ZBA Hearing Minutes, 11/23/04, Karen Isaacson and Richard & Pamela Dube, 9 Cook Street.
26. Noted copy mailed: ZBA Hearing Minutes, 11/23/04, Blake & Scott Jarvi, 7 Elizabeth Street.
27. Noted copy mailed: ZBA Hearing Minutes, 11/23/04, SELP & Atlantic Bell Mobile of MA d/b/a Verizon Wireless.
28. Noted copy mailed: City & Town, Vol. 17, No. 10 - November/December 2004.
29. Noted copy mailed: Letter from Sudbury Valley Trustees re Hook Property, Green Street. Board asked Town Manager to get recommendation for Town Counsel prior to decision by Board.
30. Noted copy mailed: Letter from Congressman McGovern re requests for projects for inclusion in the FY 2006 annual appropriations bills.
31. Noted copy mailed: Letter to Rep. Polito from Hannah Kane, SDC Chair, re Allen property. Hold for Old Business on January 3, 2005.
32. Noted copy mailed: Letter from Chief LaFlamme re Recognition of Seamus Shanley, Worcester Firefighter.
33. Noted copy mailed: Planning Board Agenda, 1/6/05.
34. Noted copy mailed: ENF for Lake St. Special Needs Housing.

Motion was made, seconded, and unanimously voted to adjourn at 8:44pm.

Respectfully submitted,

Janice C. McCoy  
Secretary